

SILVERSMITH & ASSOCIATES

Law Firm, PLLC
Attorneys At Law
39 Broadway, Room 910
New York, New York 10006
www.SilversmithAssociates.com

ROBERT G. SILVERSMITH

(212) 922-9300

Jason S. Garber
Karina Gendler

Telecopier (212) 681-1904

November 18, 2020

Hon. Jesse M. Furman
Southern District of New York
Thurgood Marshal
United States Courthouse
40 Foley Square Courtroom 1105
New York, New York 10007

Re: Antolini v. 33 Bre Inc., Index 1:19 -cv-09674-JMF

Dear Judge Furman:

We represent the Defendants in the above-referenced matter.

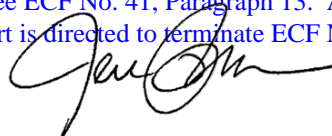
We write this letter to briefly respond to Plaintiff's counsel's letter. There are two reports from Plaintiff's expert. Both are dated November 16, 2020. If previously mailed to our office, the mailings have not yet been received. Plaintiff's counsel previously indicated his expert was ill and was undergoing covid tests. The reports need to be properly analyzed and responded to by Defendants experts. Thank you.

Counsel's apparent inability to communicate with one another except through dueling letters filed with the Court in quick succession is pathetic and needs to stop. (Counsel's tit-for-tat letter writing is all the more striking because the diligence with which counsel try to one-up each other through letters to the Court -- not for the first time -- stands in stark contrast to the dilatory manner in which counsel approached discovery in this case.) Be that as it may, the deadline for summary judgment motions (or, in the absence of such motions, a proposed joint pretrial order) is November 30, 2020. (At the conference, the Court explained that that was the deadline because the deadline set by the Case Management Plan -- thirty days after the close of discovery -- falls on a Sunday.) Defendants' request for an extension of that deadline to December 9, 2020, see ECF No. 90, is DENIED, but, as a courtesy in light of the Thanksgiving holiday, the deadline is extended to December 2, 2020; any opposition to a motion shall be filed by December 16, 2020; any reply shall be filed by December 23, 2020. No extensions of these dates will be granted. The parties are instructed to promptly confer regarding Plaintiff's offer to stipulate to the dismissal of some claims and proceed to a bench trial, see ECF No. 91, because it may bear on whether the Court proceeds directly to trial or entertains summary judgment motions, see ECF No. 41, Paragraph 13. Any stipulation of dismissal pursuant to Rule 41(a)(1) should be filed on ECF. The Clerk of Court is directed to terminate ECF No. 90. SO ORDERED.

Very truly yours,



Robert Silversmith



November 19, 2020